

09-25-02

3711#

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re U.S. Patent Application of:

Yoshihiko Shioda

Serial No.: 09/444,120

Filed: November 19, 1999

For: GOLF PRACTICE AND EXERCISE DEVICE

Confirmation No.: 8235

Examiner: RaeAnn Gorden

Art Unit: 3711

Charlotte, North Carolina

BOX RESPONSE NO FEE

Commissioner for Patents

Washington, DC 20231

ENTER
Amendment
10-30-02
LG

(NE)
H/V
W3/D

AMENDMENT

In response to the Official Action of May 20, 2002, and pursuant to 37 CFR 1.116, applicant respectfully requests that the claims of the above-identified application be amended as follows:

CERTIFICATE OF MAILING BY EXPRESS MAIL:

"Express Mail" Mailing Label No. EV 044562755 US

Date of Deposit: September 24, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above with proper postage applied thereto and addressed to BOX RESPONSE NO-FEE, Commissioner for Patents, Washington, DC 20231.

Signature: Donna B. Millard

Typed Name: Donna B. Millard

RECEIVED

SEP 30 2002

11/01/2004 L WASHING 00000001 181215 09444120

01 FC:2201

42.00 DA

TECHNOLOGY CENTER 700


0245419.01
LIB:

REMARKS

On page 3 of the Office Action of May 20, 2002, the Examiner objected to claims 7-10 as being dependent upon a rejected base claim (claim 1). The Examiner continued by noting that claims 7-10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 7 depends directly from claim 1. Claims 8-10 depend, directly or indirectly, from claim 7. Thus, Applicant has rewritten claim 7 in independent form, including all of the limitations of claim 1. No new matter was added. As a dependent claim is presumed to include the limitations of the base claim, Applicant also believes that the amendment does not narrow the scope of protection or the availability of equivalents afforded to amended claim 7 as compared to claim 7 as originally submitted. Applicant submits that the aforementioned amendment places claim 7 and claims 8-10, dependent, directly or indirectly, from claim 7, in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."** A Request for a Two Month Extension of Time and associated fee is enclosed herewith. Applicant does not believe any additional fees are due, but authorizes the Commissioner to charge any deficiencies or refund overpayments to Deposit Account No. 18-1215.

Respectfully submitted,



Gwendolyn L. Gill

U.S. Reg. No. 46,214

Kennedy Covington Lobdell & Hickman, L.L.P.

Hearst Tower

214 North Tryon Street, 47th Floor

Charlotte, NC 28202-4006

(704) 331-7569